



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,373	09/01/1999	MASAHIKO YOKOTA	862.3008	3894

5514 7590 12/14/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/388,373

Applicant(s)

YOKOTA, MASAHIKO

Examiner

Steven P Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-13 and 15-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-13, 15-23 and 26-31 is/are allowed.
- 6) ☒ Claim(s) 24, 25 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This application has been examined. The amendment filed 9/22/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24, 25, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al (5727135) and Yang et al (5760412).

4. Regarding claim 24, Webb et al show in Figure 1 the following: a system and method for controlling a remote apparatus (16) from an external device (11) connected (19, 21) to the remote apparatus. The apparatus has a control panel (35) for specifying a processing operation which is operated in accordance with an indication from the control panel or an externally supplied command (Figure 1 – elements 12, 14, 35, 63). Webb et al show detecting a paper-jam, out of paper and displaying error and alert information (column 3 lines 35-55, column 23 lines 40-54), displaying on the external device a virtual control panel (Figure 1 element 63) for the remote apparatus including printer status and alert information, and generating an operational command from the virtual control panel for operating the remotely controlled apparatus (column 4 lines 42-

67, column 5 lines 1-10, summary). Webb et al do not specifically show the remote apparatus having a reader performing a reading operation of the document and detecting that the document has been set to the reader per se, but do disclose remote apparatuses (column 6 lines 26-29) to access all the features of the panel as if physically present in order to effectively view and operate the remote apparatus. Furthermore, Yang et al show remotely sensing a document on the transparent surface of a scanner (abstract, column 4), thus reading the document and transmitting indications back to a remote host computer, to thus access all the features of the scanner panel as if present, in order to effectively view and operate the remote apparatus. It would have been obvious to a person with ordinary skill in the art to use the image reader of Yang et al in the system of Webb et al, because it would allow remote sensing and accessing of all features of a panel as if physically present, in order to effectively view and operate the remote apparatus. See again Webb et al column 3 lines 62-67.

5. Regarding claim 25, in addition to that mentioned for claim 24, Webb et al show the command may be transmitted without any manipulation of the control panel.

6. Regarding claim 32, in addition to that mentioned for claim 24, Webb et al has configuration for establishing an edited virtual control panel for each multiple user according to user input of user ID (column 21 lines 45-67).

7. Claims 3-13, 15-23, 26-31 are allowable over the prior art of record. These claims, in addition to the essential features brought out in the amendment, bring

out the virtual panel being a separate entity such as being on remote display and having an identical appearance to that of the device's ordinary control panel. Thus, the distinction is made from the ordinary control panel. The combination of features as brought out in the amendment is not set forth in the prior art of record.

8. Applicant's arguments filed have been fully considered but they are not persuasive. Note that claim 24 is broader than the other independent claims and the arguments that apply to those claims, in particular the combination of features which together bring out the sensing of the document and displaying the *separate* virtual control panel, and then causing the device to start reading the document based on the user command through the virtual control panel, do not then apply to claim 24.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

\*\*\*

